



Entered on Docket
November 01, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

Robert M. Charles, Jr. (NV 6593)
John Hinderaker (AZ 018024)
Marvin Ruth (NV 10979)
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
Telephone (702) 949-8320
Facsimile (702) 949-8321
Email: rcharles@lrlaw.com
jhinderaker@lrlaw.com
mruth@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

**USA COMMERCIAL MORTGAGE
COMPANY,**

Debtor.

Case No. BK-S-06-10725-LBR
Chapter 11

**Order Sustaining Second Omnibus
Objection Of USACM Trust To Proofs Of
Claim Based In Part Upon Investment In
The SVRB 4.5 Loan**

Hearing Date: September 30, 2011
Hearing Time: 9:30 a.m.

The Court having considered the "Second Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The SVRB 4.5 Loan." ("SVRB 4.5 Loan") [DE 8832] (the "Objection"); the Court having heard the Objection on September 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right to repayment by the borrower or from the collateral securing the SVRB 4.5 Loan; and good cause appearing:

1 **IT IS ORDERED** that:

2 1. The Objection [DE 8832] is sustained; and

3 2. The claims listed on **Exhibit A** attached are disallowed to the extent those
4 claims are based upon an investment in the SVRB 4.5 Loan.

5
6 **PREPARED AND RESPECTFULLY SUBMITTED BY:**

7
8 **LEWIS AND ROCA LLP**

9 By /s/ John Hinderaker (AZ #018024)

10 Robert M. Charles, Jr.

11 John Hinderaker (*pro hac vice*)

12 3993 Howard Hughes Parkway, Ste. 600

13 Las Vegas, Nevada 89169-5996

14 Telephone: (702) 949-8320

15 Facsimile: (702) 949-8321

16 *Attorneys for USACM Liquidating Trust*
17
18
19
20
21
22
23
24
25
26

LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

- _____ This Court has waived the requirement set forth in LR 9021(b)(1).
- XXX No party appeared at the hearing or filed an objection to the motion.
- _____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:
- Counsel appearing: _____
- _____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

#

USACM Trust
SVRB 4.5 Loan
Multiple Loan Claims

Claim	Date Claim was Filed	Name	Address	Total Claim Amount	Approximate Amount Subject to Partial Objection Because it Relates to an Investment In the SVRB \$4,500,000 (SVRB Investment) Loan
10725-01411	12/4/2006	Bosworth 1988 Trust	P.O. Box 7804 Incline Village, NV 89452	25,000.00	100,000.00
10725-01090	11/7/2006	Carpenter, Michael R & Anne M	687 W Ella Dr Corrales, NM 87048-7248	126,121.77	16,499.00
10725-00066-2	11/2/2006	Gloy, Tom	Po Box 4497 Incline Village, NV 89450	200,000.00	100,000.00
10725-02117	1/11/2007	Janet P Johnson Living Trust Dated 7/14/04	Janet P & Charles E Johnson Ttees 17 Front St Palm Coast, FL 32137	936,603.82	31,646.00
10725-01208-2	11/10/2006	Monighetti, Pete	6515 Frankie Ln Prunedale, CA 93907	1,509,963.55	31,646.26
10725-02150	1/12/2007	Newman Family Trust Dtd 9/20/97	Larry J & Elsie D Newman Ttees 1775 Autumn Valley Way Reno, NV 89523	1,000,238.46	31,646.00
10725-02369	1/16/2007	Patrick M Skain & Saw Lim-Skain	300 Crestlake Dr San Francisco, CA 94132-1321	Unknown	Unknown
10725-02423	1/12/2007	Pinsker, Donald H	8650 W Verde Way Las Vegas, NV 89149-4145	1,633,057.16	23,734.69
10725-01430	12/6/2006	Prakelt, Hans J	2401-A Waterman Blvd., Ste. 4-230 Fairfield, CA 94534	180,761.33	17,865.41
10725-01089	11/7/2006	Robert B Cockayne Revocable Trust Dated 4/19/05	C/O Robert B Cockayne Trustee 6501 Red Hook Plaza Ste 201 St. Thomas, VI 00802	133,872.12	32,786.70

EXHIBIT A